

08/19/03
13408 U.S. PTO

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Date of Deposit: 8-19-03
By: Theresa LeBlanc Theresa LeBlanc

22240 U.S. PTO
10/650217
08/19/03

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF
John Graeme Houston, et al.

DOCKET NO. 081421.000002

SERIAL NO.: Unknown

EXAMINER:
Unknown

FILED: Herewith

GROUP ART UNIT:

TITLE: **Blood-Flow Tubing**

Request for Filing a Continuation Application Under 37 C.F.R. 1.78(a)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application under 37 C.F.R.1.78(a) of pending prior application Serial No. 09/869,661, filed June 29, 2001 entitled "Blood-Flow Tubing". A first office action in the '661 application was mailed October 3, 2002. In the first office action some of the claims were withdrawn as being subject to a restriction requirement, and the elected claims were rejected. After viewing the prior art, Applicants decided they wished to pursue the non-elected claims, rather than respond to the rejection of the elected claims. Applicants consequently filed a request for continued examination on April 3, 2003, along with a request for extension of time. The Examiner contends that it is improper to file a request for continued

examination in order to have non-elected claims examined. Applicants are therefore filing this continuation application under 1.78(a).

The '661 application is a national entry from a PCT application PCT/GB99/04449. Enclosed is a copy of the originally filed PCT application including the oath/declaration filed June 29, 2001 and subsequently filed Information Disclosure Statement. I hereby verify that the attached papers are a true copy of the latest inventor signed prior application Serial No. 09/869,661 as originally filed on June 29, 2001 including the oath/declaration and Information Disclosure Statement, and further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

After cancellation of claims 1-32 and 38-46 and adding new claims 47-52, a fee is due of \$750 for 11 claims and 3 independent claims.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Bracewell & Patterson Deposit Account No. 50-0259 (081421.000002).

A check is enclosed in the amount of \$750.

The filing fee is calculated below:

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$750/\$375
TOTAL CLAIMS	20 - 11 =	0	X \$18/9	
MULTIPLE CLAIMS			X \$280/140	
INDE- PENDENT CLAIMS	3 - 3 =	0	X \$84/\$42	
TOTAL FILING FEE				\$750
TOTAL FEE				<u>\$750.00</u>

A Preliminary Amendment is enclosed.

Applicants claim large entity status.

The prior application is assigned of record to Tayside University Hospitals NHS Trust, a British corporation.

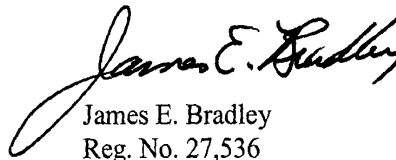
Claims added by this Amendment have been properly numbered consecutively beginning with the number next following the highest original claim in the prior application.

Declaration

The undersigned declares further that the complete copy of the prior application including the oath or declaration as originally filed being submitted herewith are a true copy and all statements made herein of his own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



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Date: August 19, 2003
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